



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

MARY ANN WRIGHT
Acting Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

March 4, 2005

Stephen Powell
P.O. Box 253
Castledale, Utah 84758

Subject: Termination of CO No. MC-04-01-08(1) and Final Assessment for State Cessation Order No. MC-04-01-08(1), Cherry Hill Mine, M/049/021, Utah County, Utah

Dear Mr. Powell:

The Division has determined that the abatement for state Cessation Order MC-04-01-081(1) has been completed. A termination notice is enclosed. Thank you for your efforts in completing the requirements of the Cessation Order.

On December 6, 2004, the Division sent you a proposed assessment, via Certified Mail, associated with the above mentioned Cessation Order. Under rules R647-7-106 & R646-7-107 you are allowed 30 days from the receipt of the proposed assessment to request a conference or hearing to review the fact of the violation or assessment. Our records indicate that we attempted delivery two times and both times the Post Office returned the certified letters marked "unclaimed" (the post office attempts delivery three times on each certified letter). On December 28, 2004, we sent you the letter again along with a note stating "THIS LETTER HAS BEEN SENT CERTIFIED MAIL TWICE AND RETURNED AS UNCLAIMED. THIS LETTER IS NOW CONSIDERED SERVED."

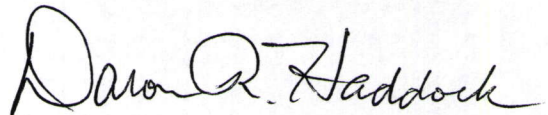
If you wanted to appeal the fact of the Cessation Order or request a review of the proposed penalty assessment, that conference or hearing should have been requested on or before January 30, 2005. No request has been made; therefore, under R647-7-108 the opportunity to appeal is past and the proposed assessment is now considered final.

The penalty in the amount of \$1,760 is due and payable. Please remit payment to the Division, mail c/o Penny Berry. Failure to provide the required payment within 30 days may result in civil action in the appropriate district court.

Stephen Powell
Page 2 of 2
M/049/021
March 4, 2005

Thank you for resolving this situation. Please call me at (801) 538-5325 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock". The signature is fluid and cursive, with the first name "Daron" and last name "Haddock" clearly legible.

Daron R. Haddock
Assessment Officer

DRH:jb
Enclosure: Termination Notice
cc: Steve Alder, AAG
Vicki Bailey, Accounting
Penny Berry, Exec. Sec.
O:\M049-Utah\M0490021-CherryHill\Non Compliance\finalassessment-03042005.doc



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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

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VACATION / TERMINATION of
Notice of Violation / Cessation Order
March 4, 2005

To the following Permittee or Operator:

Name: Stephen Powell

Mailing Address: P.O. Box 253, Castledale, Utah 84758

Mine Name: Cherry Hill Quarry Permit Number: M/049/021

Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:

Notice of Violation No. _____ dated _____, 20 _____

Cessation Order No: MC-04-01-08(1) dated November 16, 2005

Part 1 of 1 is ☐ vacated ☒ terminated because: Requisite funds have been deposited within the
escrow account for reclamation.

Note: Since you have not permitted this site, termination of this cessation order *does not* grant authority to continue operations. You must have a valid permit and reclamation surety approved by the Division *before* you may resume operations.

Date of service/ mailing: March 4, 2005

Time of service/ mailing: 3:30 p.m.

Lynn Kunzler
Division of Oil, Gas & Mining Representative

Environmental Scientist/Rec. Biologist
Title


Signature

jb

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